




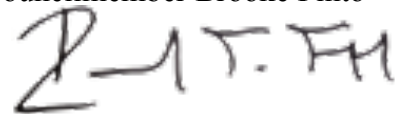
1 
2 Chairman Phil Mendelson


3
4 
5
6 Councilmember Anita Bonds

7
8 
9
10 Councilmember Vincent C. Gray

11
12 
13
14 Councilmember Kenyan R. McDuffie


15
16 
17
18 Councilmember Brooke Pinto


19
20 
21
22 Councilmember Brandon T. Todd


23
24 
25
26 Councilmember Trayon White, Sr.

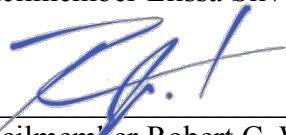

Councilmember Charles Allen


Councilmember Mary M. Cheh


Councilmember David Grosso


Councilmember Brianne K. Nadeau


Councilmember Elissa Silverman


Councilmember Robert C. White, Jr.

27
28
29 A BILL

30
31 _____
32
33 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
34
35 _____
36

37
38 To provide, on a temporary basis, for comprehensive policing and justice reform for District
39 residents and visitors, and for other purposes.
40

41 **TABLE OF CONTENTS**

42 **TITLE I. IMPROVING POLICE ACCOUNTABILITY AND TRANSPARENCY3**
43 **SUBTITLE A. PROHIBITING THE USE OF NECK RESTRAINTS.....3**

44 **SUBTITLE B. IMPROVING ACCESS TO BODY-WORN CAMERA VIDEO**
45 **RECORDINGS4**
46 **SUBTITLE C. OFFICE OF POLICE COMPLAINTS REFORMS.....5**
47 **SUBTITLE D. USE OF FORCE REVIEW BOARD MEMBERSHIP EXPANSION 11**
48 **SUBTITLE E. ANTI-MASK LAW REPEAL..... 13**
49 **SUBTITLE F. LIMITATIONS ON CONSENT SEARCHES 13**
50 **SUBTITLE G. MANDATORY CONTINUING EDUCATION EXPANSION;**
51 **RECONSTITUTING THE POLICE OFFICERS STANDARDS AND TRAINING**
52 **BOARD 15**
53 **SUBTITLE H. IDENTIFICATION OF MPD OFFICERS DURING FIRST**
54 **AMENDMENT ASSEMBLIES AS LOCAL LAW ENFORCEMENT 17**
55 **SUBTITLE I. PRESERVING THE RIGHT TO JURY TRIAL..... 17**
56 **SUBTITLE J. REPEAL OF FAILURE TO ARREST CRIME 18**
57 **SUBTITLE K. AMENDING MINIMUM STANDARDS FOR POLICE OFFICERS ... 18**
58 **SUBTITLE L. POLICE ACCOUNTABILITY AND COLLECTIVE BARGAINING**
59 **AGREEMENTS 19**
60 **SUBTITLE M. OFFICER DISCIPLINE REFORMS..... 19**
61 **SUBTITLE N. USE OF FORCE REFORMS 20**
62 **SUBTITLE O. RESTRICTIONS ON THE PURCHASE AND USE OF MILITARY**
63 **WEAPONRY..... 22**
64 **SUBTITLE P. LIMITATIONS ON THE USE OF INTERNATIONALLY BANNED**
65 **CHEMICAL WEAPONS, RIOT GEAR, AND LESS-LETHAL PROJECTILES 23**
66 **SUBTITLE Q. POLICE REFORM COMMISSION 25**
67 **SUBTITLE R. METRO TRANSIT POLICE DEPARTMENT OVERSIGHT AND**
68 **ACCOUNTABILITY..... 26**
69 **TITLE II. BUILDING SAFE AND JUST COMMUNITIES.....31**
70 **SUBTITLE A. RESTORE THE VOTE31**
71 **TITLE III. APPLICABILITY; FISCAL IMPACT STATEMENT; EFFECTIVE DATE..33**
72
73

74 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
75 act may be cited as the “Comprehensive Policing and Justice Reform Second Temporary
76 Amendment Act of 2020”.

77 TITLE I. IMPROVING POLICE ACCOUNTABILITY AND TRANSPARENCY

78 SUBTITLE A. PROHIBITING THE USE OF NECK RESTRAINTS

79 Sec. 101. The Limitation on the Use of the Chokehold Act of 1985, effective January 25,
80 1986 (D.C. Law 6-77; D.C. Official Code § 5-125.01 *et seq.*), is amended as follows:

81 (a) Section 2 (D.C. Official Code § 5-125.01) is amended to read as follows:

82 “Sec. 2. The Council of the District of Columbia finds and declares that law enforcement
83 and special police officer use of neck restraints constitutes the use of lethal and excessive force.
84 This force presents an unnecessary danger to the public. On May 25, 2020, Minneapolis Police
85 Department officer Derek Chauvin murdered George Floyd by applying a neck restraint to Floyd
86 with his knee for 8 minutes and 46 seconds. Hundreds of thousands, if not millions, of people in
87 cities and states across the world, including in the District, have taken to the streets to peacefully
88 protest injustice, racism, and police brutality against Black people and other people of color. Police
89 brutality is abhorrent and does not reflect the District’s values. It is the intent of the Council in the
90 enactment of this act to unequivocally ban the use of neck restraints by law enforcement and
91 special police officers.”.

92 (b) Section 3 (D.C. Official Code § 5-125.02) is amended as follows:

93 (1) Paragraph (1) is repealed.

94 (2) Paragraph (2) is repealed.

95 (3) A new paragraph (3) is added to read as follows:

96 “(3) “Neck restraint” means the use of any body part or object to attempt to control
97 or disable a person by applying pressure against the person’s neck, including the trachea or carotid
98 artery, with the purpose, intent, or effect of controlling or restricting the person’s movement or
99 restricting their blood flow or breathing.”.

100 (c) Section 4 (D.C. Official Code § 5-125.03) is amended to read as follows:

101 “Sec. 4. Unlawful use of neck restraints by law enforcement officers and special police
102 officers.

103 “(a) It shall be unlawful for:

104 “(1) Any law enforcement officer or special police officer (“officer”) to apply a
105 neck restraint; and

106 “(2) Any officer who applies a neck restraint and any officer who is able to observe
107 another officer’s application of a neck restraint to fail to:

108 “(A) Immediately render, or cause to be rendered, first aid on the person on
109 whom the neck restraint was applied; or

110 “(B) Immediately request emergency medical services for the person on
111 whom the neck restraint was applied.

112 “(b) Any officer who violates the provisions of subsection (a) of this section shall be fined
113 no more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment
114 Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or
115 incarcerated for no more than 10 years, or both.”.

116 Sec. 102. Section 3 of the Federal Law Enforcement Officer Cooperation Act of 1999,
117 effective May 9 2000 (D.C. Law 13-100; D.C. Official Code § 5-302), is amended by striking the
118 phrase “trachea and carotid artery holds” and inserting the phrase “neck restraints” in its place.

119 SUBTITLE B. IMPROVING ACCESS TO BODY-WORN CAMERA VIDEO
120 RECORDINGS

121 Sec. 103. Section 3004 of the Body-Worn Camera Regulation and Reporting Requirements
122 Act of 2015, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 5-116.33), is
123 amended as follows:

124 (a) Subsection (a)(3) is amended by striking the phrase “interactions;” and inserting the
125 phrase “interactions, and the results of those internal investigations, including any discipline
126 imposed;” in its place.

127 (b) New subsections (c), (d), and (e) are added to read as follows:

128 “(c)(1) Notwithstanding any other law:

129 “(A) Within 5 business days after a request from the Chairperson of the
130 Council Committee with jurisdiction over the Metropolitan Police Department, the Metropolitan
131 Police Department shall provide unredacted copies of the requested body-worn camera recordings
132 to the Chairperson. Such body-worn camera recordings shall not be publicly disclosed by the
133 Chairperson or the Council;

134 “(B) The Mayor:

135 “(i) Shall, except as provided in paragraph (2) of this subsection:

136 “(I) Within 5 business days after an officer-involved death
137 or the serious use of force, publicly release the names and body-worn camera recordings of all
138 officers who committed the officer-involved death or serious use of force; and

139 “(II) By August 15, 2020, publicly release the names and
140 body-worn camera recordings of all officers who have committed an officer-involved death since
141 the Body-Worn Camera Program was launched on October 1, 2014; and

142 “(ii) May, on a case-by-case basis in matters of significant public
143 interest and after consultation with the Chief of Police, the United States Attorney's Office for the

144 District of Columbia, and the Office of the Attorney General, publicly release any other body-
145 worn camera recordings that may not otherwise be releasable pursuant to a FOIA request.

146 “(2)(A) The Mayor shall not release a body-worn camera recording pursuant to
147 paragraph (1)(B)(i) of this subsection if the following persons inform the Mayor, orally or in
148 writing, that they do not consent to its release:

149 “(i) For a body-worn camera recording of an officer-involved death,
150 the decedent’s next of kin; and

151 “(ii) For a body-worn camera recording of a serious use of force, the
152 individual against whom the serious use of force was used, or if the individual is a minor or unable
153 to consent, the individual’s next of kin.

154 “(B)(i) In the event of a disagreement between the persons who must
155 consent to the release of a body-worn camera recording pursuant to subparagraph (A) of this
156 paragraph, the Mayor shall seek a resolution in the Superior Court of the District of Columbia.

157 “(ii) The Superior Court of the District of Columbia shall order the
158 release of the body-worn camera recording if it finds that the release is in the interests of justice.

159 “(d) Before publicly releasing a body-worn camera recording of an officer-involved death,
160 the Metropolitan Police Department shall:

161 “(1) Consult with an organization with expertise in trauma and grief on best
162 practices for creating an opportunity for the decedent’s next of kin to view the body-worn camera
163 recording in advance of its release;

164 “(2) Notify the decedent’s next of kin of its impending release, including the date
165 when it will be released; and

166 “(3) Offer the decedent’s next of kin the opportunity to view the body-worn camera
167 recording privately in a non-law enforcement setting in advance of its release, and if the next of
168 kin wish to so view the body-worn camera recording, facilitate its viewing.

169 “(e) For the purposes of this subsection, the term:

170 “(1) “FOIA” means Title II of the District of Columbia Administrative Procedure
171 Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*);

172 “(2) “Next of kin” shall mean the priority for next of kin as provided in
173 Metropolitan Police Department General Order 401.08, or its successor directive; and

174 “(3) “Serious use of force” shall have the same meaning as that term is defined in
175 MPD General Order 901.07, or its successor directive.”.

176 Sec. 104. Chapter 39 of Title 24 of the District of Columbia Municipal Regulations is
177 amended as follows:

178 (a) Section 3900 is amended as follows:

179 (1) Subsection 3900.9 is amended to read as follows:

180 “3900.9. Members may not review their BWC recordings or BWC recordings that have
181 been shared with them to assist in initial report writing.”.

182 (2) Subsection 3900.10 is amended to read as follows:

183 “3900.10. (a) Notwithstanding any other law, the Mayor:

184 “(1) Shall, except as provided in paragraph (b) of this subsection:

185 “(A) Within 5 business days after an officer-involved death or the
186 serious use of force, publicly release the names and body-worn camera recordings of all officers
187 who committed the officer-involved death or serious use of force; and

188 “(B) By August 15, 2020, publicly release the names and body-worn
189 camera recordings of all officers who have committed an officer-involved death since the Body-
190 Worn Camera Program was launched on October 1, 2014; and

191 “(2) May, on a case-by-case basis in matters of significant public interest
192 and after consultation with the Chief of Police, the United States Attorney's Office for the District
193 of Columbia, and the Office of the Attorney General, publicly release any other body-worn camera
194 recordings that may not otherwise be releasable pursuant to a FOIA request.

195 “(b)(1) The Mayor shall not release a body-worn camera recording pursuant to
196 paragraph (a)(1) of this subsection if the following persons inform the Mayor, orally or in writing,
197 that they do not consent to its release:

198 “(A) For a body-worn camera recording of an officer-involved
199 death, the decedent’s next of kin; and

200 “(B) For a body-worn camera recording of a serious use of force, the
201 individual against whom the serious use of force was used, or if the individual is a minor or is
202 unable to consent, the individual’s next of kin.

203 “(2)(A) In the event of a disagreement between the persons who must
204 consent to the release of a body-worn camera recording pursuant to subparagraph (1) of this
205 subsection, the Mayor shall seek a resolution in the Superior Court of the District of Columbia.

206 “(B) The Superior Court of the District of Columbia shall order the
207 release of the body-worn camera recording if it finds that the release is in the interests of justice.

208 “(c) Before publicly releasing a body-worn camera recording of an officer-involved
209 death, the Metropolitan Police Department shall:

210 “(1) Consult with an organization with expertise in trauma and grief on best
211 practices for creating an opportunity for the decedent’s next of kin to view the body-worn camera
212 recording in advance of its release;

213 “(2) Notify the decedent’s next of kin of its impending release, including
214 the date when it will be released; and

215 “(3) Offer the decedent’s next of kin the opportunity to view the body-worn
216 camera recording privately in a non-law enforcement setting in advance of its release, and if the
217 next of kin wish to so view the body-worn camera recording, facilitate its viewing.”.

218 (b) Section 3901.2 is amended by adding a new paragraph (a-1) to read as follows:

219 “(a-1) Recordings related to a request from or investigation by the Chairperson of
220 the Council Committee with jurisdiction over the Metropolitan Police Department;”.

221 (c) Section 3902.4 is amended to read as follows:

222 “3902.4. Notwithstanding any other law, within 5 business days after a request from the
223 Chairperson of the Council Committee with jurisdiction over the Metropolitan Police Department,
224 the Department shall provide unredacted copies of the requested BWC recordings to the
225 Chairperson. Such body-worn camera recordings shall not be publicly disclosed by the
226 Chairperson or the Council.”.

227 (d) Section 3999.1 is amended by inserting definitions between the definitions of
228 “metadata” and “subject” to read as follows:

229 ““Next of kin” shall mean the priority for next of kin as provided in MPD General Order
230 401.08, or its successor directive.

231 ““Serious use of force” shall have the same meaning as that term is defined in MPD General
232 Order 901.07, or its successor directive.”.

233 SUBTITLE C. OFFICE OF POLICE COMPLAINTS REFORMS

234 Sec. 105. The Office of Citizen Complaint Review Establishment Act of 1998, effective
235 March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1101 *et seq.*), is amended as follows:

236 (a) Section 5(a) (D.C. Official Code § 5-1104(a)) is amended by striking the phrase “There
237 is established a Police Complaints Board (“Board”). The Board shall be composed of 5 members,
238 one of whom shall be a member of the MPD, and 4 of whom shall have no current affiliation with
239 any law enforcement agency.” and inserting the phrase “There is established a Police Complaints
240 Board (“Board”). The Board shall be composed of 9 members, which shall include one member
241 from each Ward and one at-large member, none of whom, after the expiration of the term of the
242 currently serving member of the MPD, shall be affiliated with any law enforcement agency.”.

243 (b) Section 8 (D.C. Official Code § 5-1107) is amended as follows:

244 (1) A new subsection (g-1) is added to read as follows:

245 “(g-1)(1) If the Executive Director discovers evidence of abuse or misuse of police powers
246 that was not alleged by the complainant in the complaint, the Executive Director may:

247 “(A) Initiate the Executive Director’s own complaint against the subject
248 police officer; and

249 “(B) Take any of the actions described in subsection (g)(2) through (6) of
250 this section.

251 “(2) The authority granted pursuant to paragraph (1) of this subsection shall include
252 circumstances in which the subject police officer failed to:

253 “(A) Intervene in or subsequently report any use of force incident in which
254 the subject police officer observed another law enforcement officer, including an MPD officer,

255 utilizing excessive force or engaging in any type of misconduct, pursuant to MPD General Order
256 901.07, its successor directive, or a similar local or federal directive; or

257 “(B) Immediately report to their supervisor any violations of the rules and
258 regulations of the MPD committed by any other MPD officer, and each instance of their use of
259 force or a use of force committed by another MPD officer, pursuant to MPD General Order 201.26,
260 or any successor directive.”.

261 (2) Subsection (h) is amended by striking the phrase “subsection (g)” and inserting
262 the phrase “subsection (g) or (g-1)” in its place.

263 SUBTITLE D. USE OF FORCE REVIEW BOARD MEMBERSHIP EXPANSION

264 Sec. 106. Use of Force Review Board; membership.

265 (a) There is established a Use of Force Review Board (“Board”), which shall review uses
266 of force as set forth by the Metropolitan Police Department in its written directives.

267 (b) The Board shall consist of the following 13 voting members, and may also include non-
268 voting members at the Mayor’s discretion:

269 (1) An Assistant Chief selected by the Chief of Police, who shall serve as the
270 Chairperson of the Board;

271 (2) The Commanding Official, Special Operations Division, Homeland Security
272 Bureau;

273 (3) The Commanding Official, Criminal Investigations Division, Investigative
274 Services Bureau;

275 (4) The Commanding Official, Metropolitan Police Academy;

276 (5) A Commander or Inspector assigned to the Patrol Services Bureau;

277 (6) The Commanding Official, Recruiting Division;

278 (7) The Commanding Official, Court Liaison Division;

279 (8) Three civilian members appointed by the Mayor, pursuant to section 2(e) of the
280 Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-
281 523.01(e)), with the following qualifications and no current or prior affiliation with law
282 enforcement:

283 (A) One member who has personally experienced the use of force by a law
284 enforcement officer;

285 (B) One member of the District of Columbia Bar in good standing; and

286 (C) One District resident community member;

287 (9) Two civilian members appointed by the Council with the following
288 qualifications and no current or prior affiliation with law enforcement:

289 (A) One member with subject matter expertise in criminal justice policy;

290 and

291 (B) One member with subject matter expertise in law enforcement oversight
292 and the use of force; and

293 (10) The Executive Director of the Office of Police Complaints.

294 Sec. 107. Section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law
295 2-142; D.C. Official Code § 1-523.01(e)), is amended as follows:

296 (a) Paragraph (38) is amended by striking the phrase “; and” and inserting a semicolon in
297 its place.

298 (b) Paragraph (39) is amended by striking the period and inserting the phrase “; and” in its
299 place.

300 (c) A new paragraph (40) is added to read as follows:

301 “(40) Use of Force Review Board, established by section 106 of the Comprehensive
302 Policing and Justice Reform Second Emergency Amendment Act of 2020, passed on emergency
303 basis on July 7, 2020 (Enrolled version of Bill 23-XXX).”.

304 SUBTITLE E. ANTI-MASK LAW REPEAL

305 Sec. 108. The Anti-Intimidation and Defacing of Public or Private Property Criminal
306 Penalty Act of 1982, effective March 10, 1983 (D.C. Law 4-203; D.C. Official Code § 22-3312 *et*
307 *seq.*), is amended as follows:

308 (a) Section 4 (D.C. Official Code § 22-3312.03) is repealed.

309 (b) Section 5(b) (D.C. Official Code § 22-3312.04(b)) is amended by striking the phrase
310 “or section 4 shall be” and inserting the phrase “shall be” in its place.

311 Sec. 109. Section 23-581(a-3) of the District of Columbia Official Code is amended by
312 striking the phrase “sections 22-3112.1, 22-3112.2, and 22-3112.3” and inserting the phrase
313 “sections 22-3112.1 and 22-3112.2” in its place.

314 SUBTITLE F. LIMITATIONS ON CONSENT SEARCHES

315 Sec. 110. Subchapter II of Chapter 5 of Title 23 of the District of Columbia Official Code
316 is amended by adding a new section 23-526 to read as follows:

317 “§ 23–526. Limitations on consent searches.

318 “(a) In cases where a search is based solely on the subject’s consent to that search, and is
319 not executed pursuant to a warrant or conducted pursuant to an applicable exception to the warrant
320 requirement, sworn members of District Government law enforcement agencies shall:

321 “(1) Prior to the search of a person, vehicle, home, or property:

322 “(A) Explain, using plain and simple language delivered in a calm
323 demeanor, that the subject of the search is being asked to voluntarily, knowingly, and intelligently
324 consent to a search;

325 “(B) Advise the subject that:

326 “(i) A search will not be conducted if the subject refuses to provide
327 consent to the search; and

328 “(ii) The subject has a legal right to decline to consent to the search;

329 “(C) Obtain consent to search without threats or promises of any kind being
330 made to the subject;

331 “(D) Confirm that the subject understands the information communicated
332 by the officer; and

333 “(E) Use interpretation services when seeking consent to conduct a search
334 of a person:

335 “(i) Who cannot adequately understand or express themselves in
336 spoken or written English; or

337 “(ii) Who is deaf or hard of hearing.

338 “(2) If the sworn member is unable to obtain consent from the subject, refrain from
339 conducting the search.

340 “(b) The requirements of subsection (a) of this section shall not apply to searches executed
341 pursuant to a warrant or conducted pursuant to an applicable exception to the warrant requirement.

342 “(c)(1) If a defendant moves to suppress any evidence obtained in the course of the search
343 for an offense prosecuted in the Superior Court of the District of Columbia, the court shall consider

344 an officer’s failure to comply with the requirements of this section as a factor in determining the
345 voluntariness of the consent.

346 “(2) There shall be a presumption that a search was nonconsensual if the evidence
347 of consent, including the warnings required in subsection (a), is not captured on body-worn camera
348 or provided in writing.

349 “(d) Nothing in this section shall be construed to create a private right of action.”.

350 SUBTITLE G. MANDATORY CONTINUING EDUCATION EXPANSION;
351 RECONSTITUTING THE POLICE OFFICERS STANDARDS AND TRAINING BOARD

352 Sec. 111. The Metropolitan Police Department Application, Appointment, and Training
353 Requirements of 2000, effective October 4, 2000 (D.C. Law 13-160; D.C. Official Code § 5-
354 107.01 *et seq.*), is amended as follows:

355 (a) Section 203(b) (D.C. Official Code § 5-107.02(b)) is amended as follows:

356 (1) Paragraph (2) is amended by striking the phrase “biased-based policing” and
357 inserting the phrase “biased-based policing, racism, and white supremacy” in its place.

358 (2) Paragraph (3) is amended to read as follows:

359 “(3) Limiting the use of force and employing de-escalation tactics;”.

360 (3) Paragraph (4) is amended to read as follows:

361 “(4) The prohibition on the use of neck restraints;”.

362 (4) Paragraph (5) is amended by striking the phrase “; and” and inserting a
363 semicolon in its place.

364 (5) Paragraph (6) is amended by striking the period and inserting a semicolon in its
365 place.

366 (6) New paragraphs (7) and (8) are added to read as follows:

367 “(7) Obtaining voluntary, knowing, and intelligent consent from the subject of a
368 search, when that search is based solely on the subject’s consent; and

369 “(8) The duty of a sworn officer to report, and the method for reporting, suspected
370 misconduct or excessive use of force by a law enforcement official that a sworn member observes
371 or that comes to the sworn member’s attention, as well as any governing District laws and
372 regulations and Department written directives.”.

373 (b) Section 204 (D.C. Official Code § 5-107.03) is amended as follows:

374 (1) Subsection (a) is amended by striking the phrase “the District of Columbia
375 Police” and inserting the phrase “the Police” in its place.

376 (2) Subsection (b) is amended as follows:

377 (A) The lead-in language is amended by striking the phrase “11 persons”
378 and inserting the phrase “15 persons” in its place.

379 (B) A new paragraph (2A) is added to read as follows:

380 “(2A) Executive Director of the Office of Police Complaints or the Executive
381 Director’s designee;”.

382 (C) Paragraph (3) is amended to read as follows:

383 “(3) The Attorney General for the District of Columbia or the Attorney General’s
384 designee;”.

385 (D) Paragraph (8) is amended by striking the period and inserting the phrase
386 “; and” in its place.

387 (E) Paragraph (9) is amended to read as follows:

388 “(9) Five community representatives appointed by the Mayor, one each with
389 expertise in the following areas:

390 “(A) Oversight of law enforcement;
391 “(B) Juvenile justice reform;
392 “(C) Criminal defense;
393 “(D) Gender-based violence or LGBTQ social services, policy, or
394 advocacy; and
395 “(E) Violence prevention or intervention.”.

396 (3) Subsection (i) is amended by striking the phrase “promptly after the
397 appointment and qualification of its members” and inserting the phrase “by September 1, 2020” in
398 its place.

399 (c) Section 205(a) (D.C. Official Code § 5-107.04(a)) is amended by adding a new
400 paragraph (9A) to read as follows:

401 “(9A) If the applicant has prior service with another law enforcement or public
402 safety agency in the District or another jurisdiction, information on any alleged or sustained
403 misconduct or discipline imposed by that law enforcement or public safety agency;”.

404 SUBTITLE H. IDENTIFICATION OF MPD OFFICERS DURING FIRST
405 AMENDMENT ASSEMBLIES AS LOCAL LAW ENFORCEMENT

406 Sec. 112. Section 109 of the First Amendment Assemblies Act of 2004, effective April 13,
407 2005 (D.C. Law 15-352; D.C. Official Code § 5-331.09), is amended as follows:

408 (a) Designate the existing text as subsection (a).

409 (b) Add a new subsection (b) to read as follows:

410 “(b) During a First Amendment assembly, the uniforms and helmets of officers policing
411 the assembly shall prominently identify the officers’ affiliation with local law enforcement.”.

412 SUBTITLE I. PRESERVING THE RIGHT TO JURY TRIAL

413 Sec. 113. Section 16-705(b)(1) of the District of Columbia Official Code is amended as
414 follows:

415 (a) Subparagraph (A) is amended by striking the phrase “; or” and inserting a semicolon in
416 its place.

417 (b) Subparagraph (B) is amended by striking the phrase “; and” and inserting the phrase “;
418 or” in its place.

419 (c) A new subparagraph (C) is added to read as follows:

420 “(C)(i) The defendant is charged with an offense under:

421 “(I) Section 806(a)(1) of An Act To establish a code of law
422 for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22–
423 404(a)(1));

424 “(II) Section 432a of the Revised Statutes of the District of
425 Columbia (D.C. Official Code § 22–405.01); or

426 “(III) Section 2 of An Act To confer concurrent jurisdiction
427 on the police court of the District of Columbia in certain cases, approved July 16, 1912 (37 Stat.
428 193; D.C. Official Code § 22–407); and

429 “(ii) The person who is alleged to have been the victim of the offense
430 is a law enforcement officer, as that term is defined in section 432(a) of the Revised Statutes of
431 the District of Columbia (D.C. Official Code § 22-405(a)); and”.

432 SUBTITLE J. REPEAL OF FAILURE TO ARREST CRIME

433 Sec. 114. Section 400 of the Revised Statutes of the District of Columbia (D.C. Official
434 Code § 5-115.03), is repealed.

435 SUBTITLE K. AMENDING MINIMUM STANDARDS FOR POLICE OFFICERS

436 Sec. 115. Section 202 of the Omnibus Police Reform Amendment Act of 2000, effective
437 October 4, 2000 (D.C. Law 13-160; D.C. Official Code § 5-107.01), is amended by adding a new
438 subsection (f) to read as follows:

439 “(f) An applicant shall be ineligible for appointment as a sworn member of the
440 Metropolitan Police Department if the applicant:

441 “(1) Was previously determined by a law enforcement agency to have committed
442 serious misconduct, as determined by the Chief by General Order;

443 “(2) Was previously terminated or forced to resign for disciplinary reasons from
444 any commissioned or recruit or probationary position with a law enforcement agency; or

445 “(3) Previously resigned from a law enforcement agency to avoid potential,
446 proposed, or pending adverse disciplinary action or termination.”.

447 SUBTITLE L. POLICE ACCOUNTABILITY AND COLLECTIVE BARGAINING
448 AGREEMENTS

449 Sec. 116. Section 1708 of the District of Columbia Government Comprehensive Merit
450 Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-617.08),
451 is amended by adding a new subsection (c) to read as follows:

452 “(c)(1) All matters pertaining to the discipline of sworn law enforcement personnel shall
453 be retained by management and not be negotiable.

454 “(2) This subsection shall apply to any collective bargaining agreements entered
455 into with the Fraternal Order of Police/Metropolitan Police Department Labor Committee after
456 September 30, 2020.”.

457 SUBTITLE M. OFFICER DISCIPLINE REFORMS

458 Sec. 117. Section 502 of the Omnibus Public Safety Agency Reform Amendment Act of
459 2004, effective September 30, 2004 (D.C. Law 15-194; D.C. Official Code § 5-1031), is amended
460 as follows:

461 (a) Subsection (a-1) is amended as follows:

462 (1) Paragraph (1) is amended by striking the phrase “subsection (b) of this section”
463 and inserting the phrase “paragraph (1A) of this subsection and subsection (b) of this section” in
464 its place.

465 (2) A new paragraph (1A) is added to read as follows:

466 “(1A) If the act or occurrence allegedly constituting cause involves the serious use
467 of force or indicates potential criminal conduct by a sworn member or civilian employee of the
468 Metropolitan Police Department, the period for commencing a corrective or adverse action under
469 this subsection shall be 180 days, not including Saturdays, Sundays, or legal holidays, after the
470 date that the Metropolitan Police Department had notice of the act or occurrence allegedly
471 constituting cause.”.

472 (3) Paragraph (2) is amended by striking the phrase “paragraph (1)” and inserting
473 the phrase “paragraphs (1) and (1A)” in its place.

474 (b) Subsection (b) is amended by striking the phrase “the 90-day period” and inserting the
475 phrase “the 90-day or 180-day period, as applicable,” in its place.

476 Sec. 118. Section 6-A1001.5 of Chapter 10 of Title 6 of the District of Columbia Municipal
477 Regulations is amended by striking the phrase “reduce the penalty” and inserting the phrase
478 “reduce or increase the penalty” in its place.

479 SUBTITLE N. USE OF FORCE REFORMS

480 Sec. 119. Use of deadly force.

481 (a) For the purposes of this section, the term:

482 (1) “Deadly force” means any force that is likely or intended to cause serious bodily
483 injury or death.

484 (2) “Deadly weapon” means any object, other than a body part or stationary object,
485 that in the manner of its actual, attempted, or threatened use, is likely to cause serious bodily injury
486 or death.

487 (3) “Serious bodily injury” means extreme physical pain, illness, or impairment of
488 physical condition, including physical injury, that involves:

489 (A) A substantial risk of death;

490 (B) Protracted and obvious disfigurement;

491 (C) Protracted loss or impairment of the function of a bodily member or
492 organ; or

493 (D) Protracted loss of consciousness.

494 (b) A law enforcement officer shall not use deadly force against a person unless:

495 (1) The law enforcement officer reasonably believes that deadly force is
496 immediately necessary to protect the law enforcement officer or another person, other than the
497 subject of the use of deadly force, from the threat of serious bodily injury or death;

498 (2) The law enforcement officer’s actions are reasonable, given the totality of the
499 circumstances; and

500 (3) All other options have been exhausted or do not reasonably lend themselves to
501 the circumstances.

502 (c) A trier of fact shall consider:

503 (1) The reasonableness of the law enforcement officer’s belief and actions from the
504 perspective of a reasonable law enforcement officer; and

505 (2) The totality of the circumstances, which shall include:

506 (A) Whether the subject of the use of deadly force:

507 (i) Possessed or appeared to possess a deadly weapon; and

508 (ii) Refused to comply with the law enforcement officer’s lawful
509 order to surrender an object believed to be a deadly weapon prior to the law enforcement officer
510 using deadly force;

511 (B) Whether the law enforcement officer engaged in de-escalation measures
512 prior to the use of deadly force, including taking cover, waiting for back-up, trying to calm the
513 subject of the use of force, or using non-deadly force prior to the use of deadly force; and

514 (C) Whether any conduct by the law enforcement officer prior to the use of
515 deadly force increased the risk of a confrontation resulting in deadly force being used.

516 SUBTITLE O. RESTRICTIONS ON THE PURCHASE AND USE OF MILITARY
517 WEAPONRY

518 Sec. 120. Limitations on military weaponry acquired by District law enforcement agencies.

519 (a) Beginning in Fiscal Year 2021, District law enforcement agencies shall not acquire the
520 following property through any program operated by the federal government:

521 (1) Ammunition of .50 caliber or higher;

522 (2) Armed or armored aircraft or vehicles;

523 (3) Bayonets;

524 (4) Explosives or pyrotechnics, including grenades;

525 (5) Firearm mufflers or silencers;

- 526 (6) Firearms of .50 caliber or higher;
- 527 (7) Firearms, firearm accessories, or other objects, designed or capable of launching
- 528 explosives or pyrotechnics, including grenade launchers; and
- 529 (8) Remotely piloted, powered aircraft without a crew aboard, including drones.

530 (b)(1) If a District law enforcement agency requests property through a program operated

531 by the federal government, the District law enforcement agency shall publish notice of the request

532 on a publicly accessible website within 14 days after the date of the request.

533 (2) If a District law enforcement agency acquires property through a program

534 operated by the federal government, the District law enforcement agency shall publish notice of

535 the acquisition on a publicly accessible website within 14 days after the date of the acquisition.

536 (c) District law enforcement agencies shall disgorge any property described in subsection

537 (a) of this section that the agencies currently possess within 180 days after the effective date of

538 this act.

539 SUBTITLE P. LIMITATIONS ON THE USE OF INTERNATIONALLY BANNED

540 CHEMICAL WEAPONS, RIOT GEAR, AND LESS-LETHAL PROJECTILES

541 Sec. 121. The First Amendment Assemblies Act of 2004, effective April 13, 2005 (D.C.

542 Law 15-352; D.C. Official Code § 5-331.01 *et seq.*), is amended as follows:

543 (a) Section 102 (D.C. Official Code § 5-331.02) is amended as follows:

544 (1) Paragraphs (1) and (2) are redesignated as paragraphs (2) and (4) respectively.

545 (2) A new paragraph (1) is added to read as follows:

546 “(1) “Chemical irritant” means tear gas or any chemical that can rapidly produce

547 sensory irritation or disabling physical effects in humans, which disappear within a short time

548 following termination of exposure, or any substance prohibited by the Convention on the

549 Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on
550 their Destruction, effective April 29, 1997.”.

551 (3) A new paragraph (3) is added to read as follows:

552 “(3) “Less-lethal projectiles” means any munition that may cause bodily injury or
553 death through the transfer of kinetic energy and blunt force trauma. The term “less-lethal
554 projectiles” includes rubber or foam-covered bullets and stun grenades.”.

555 (b) Section 116 (D.C. Official Code § 5-331.16) is amended to read as follows:

556 “Sec. 116. Use of riot gear and riot tactics at First Amendment assemblies.

557 “(a)(1) No officers in riot gear may be deployed in response to a First Amendment
558 assembly unless there is an immediate risk to officers of significant bodily injury. Any deployment
559 of officers in riot gear:

560 “(A) Shall be consistent with the District’s policy on First Amendment
561 assemblies; and

562 “(B) May not be used as a tactic to disperse a First Amendment assembly.

563 “(2) Following any deployment of officers in riot gear in response to a First
564 Amendment assembly, the commander at the scene shall make a written report to the Chief of
565 Police within 48 hours, and that report shall be available to the public.

566 “(b)(1) Chemical irritants shall not be used by MPD to disperse a First Amendment
567 assembly.

568 “(2) The Mayor shall request that any federal law enforcement agency operating in
569 the District refrain from the use of chemical irritants to disperse a First Amendment assembly.

570 “(c)(1) Less-lethal projectiles shall not be used by MPD to disperse a First Amendment
571 assembly.

572 “(2) The Mayor shall request that any federal law enforcement agency operating in
573 the District refrain from the use of less-lethal projectiles to disperse a First Amendment
574 assembly.”.

575 SUBTITLE Q. POLICE REFORM COMMISSION

576 Sec. 122. Police Reform Commission.

577 (a) There is established, supported by the Council’s Committee of the Whole, a Police
578 Reform Commission (“Commission”) to examine policing practices in the District and provide
579 evidence-based recommendations for reforming and revising policing in the District.

580 (b)(1) The Commission shall be comprised of 20 representatives from among the following
581 entities:

- 582 (A) Non-law enforcement District government agencies;
- 583 (B) The Office of the Attorney General for the District of Columbia;
- 584 (C) Criminal and juvenile justice reform organizations;
- 585 (D) Black Lives Matter DC;
- 586 (E) Educational institutions;
- 587 (F) Parent-led advocacy organizations;
- 588 (G) Student- or youth-led advocacy organizations;
- 589 (H) Returning citizen organizations;
- 590 (I) Victim services organizations;
- 591 (J) Social services organizations;
- 592 (K) Mental and behavioral health organizations;
- 593 (L) Small businesses;
- 594 (M) Faith-based organizations; and

595 (N) Advisory Neighborhood Commissions.

596 (2) The Chairman of the Council shall:

597 (A) Appoint the Commission representatives no later than July 22, 2020;

598 and

599 (B) Designate a representative who is not employed by the District
600 government as the Commission's Chairperson.

601 (c)(1) The Commission shall submit its recommendations in a report to the Mayor and
602 Council by December 31, 2020.

603 (2) The report required by paragraph (1) of this subsection shall include analyses
604 and recommendations on the following topics:

605 (A) The role of sworn and special police officers in District schools;

606 (B) Alternatives to police responses to incidents, such as community-based,
607 behavioral health, or social services co-responders;

608 (C) Police discipline;

609 (D) The integration of conflict resolution strategies and restorative justice
610 practices into policing; and

611 (E) The provisions of the Comprehensive Policing and Justice Reform
612 Second Emergency Amendment Act of 2020, passed on emergency basis on July 7, 2020 (Enrolled
613 version of Bill 23-_____).

614 (d) The Commission shall sunset upon the delivery of its report or on December 31, 2020,
615 whichever is later.

616 SUBTITLE R. METRO TRANSIT POLICE DEPARTMENT OVERSIGHT AND
617 ACCOUNTABILITY

618 Sec. 123. Section 76 of Article XVI of Title III of the Washington Metropolitan Area
619 Transit Regulation Compact, approved November 6, 1966 (80 Stat. 1324; D.C. Official Code § 9-
620 1107.01(76)), is amended as follows:

621 (a) Subsection (f) is amended by adding a new paragraph (1A) to read as follows:

622 “(1A) prohibit the use of enforcement quotas to evaluate, incentivize, or discipline
623 members, including with regard to the number of arrests made or citations or warnings issued;”.

624 (b) A new subsection (i) is added to read as follows:

625 “(i)(1) The Authority shall establish a Police Complaints Board to review complaints filed
626 against the Metro Transit Police.

627 “(2) The Police Complaints Board shall comprise eight members, two civilian
628 members appointed by each Signatory, and two civilian members appointed by the federal
629 government.

630 “(3) Members of the Police Complaints Board shall not be Authority employees
631 and shall have no current affiliation with law enforcement.

632 “(4) Members of the Police Complaints Board shall serve without compensation
633 but may be reimbursed for necessary expenses incurred as incident to the performance of their
634 duties.

635 “(5) The Police Complaints Board shall appoint a Chairperson and Vice-
636 Chairperson from among its members.

637 “(6) Four members of the Police Complaints Board shall constitute a quorum, and
638 no action by the Police Complaints Board shall be effective unless a majority of the Police
639 Complaints Board present and voting, which majority shall include at least one member from each
640 Signatory, concur therein.

641 “(7) The Police Complaints Board shall meet at least monthly and keep minutes of
642 its meetings.

643 “(8) The Police Complaints Board, through its Chairperson, may employ qualified
644 persons or utilize the services of qualified volunteers, as necessary, to perform its work, including
645 the investigation of complaints.

646 “(9) The duties of the Police Complaints Board shall include:

647 “(A) Adopting rules and regulations governing its meetings, minutes, and
648 internal processes; and

649 “(B) With respect to the Metro Transit Police, reviewing:

650 “(i) The number, type, and disposition of citizen complaints
651 received, investigated, sustained, or otherwise resolved;

652 “(ii) The race, national origin, gender, and age of the complainant
653 and the subject officer or officers;

654 “(iii) The proposed and actual discipline imposed on an officer as a
655 result of any sustained citizen complaint;

656 “(iv) All use of force incidents, serious use of force incidents, and
657 serious physical injury incidents; and

658 “(v) Any in-custody death.

659 “(10) The Police Complaints Board shall have the authority to receive complaints
660 against members of the Metro Transit Police, which shall be reduced to writing and signed by the
661 complainant, that allege abuse or misuse of police powers by such members, including:

662 “(A) Harassment;

663 “(B) Use of force;

664 “(C) Use of language or conduct that is insulting, demeaning, or
665 humiliating;

666 “(D) Discriminatory treatment based upon a person’s race, color, religion,
667 national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or
668 expression, family responsibilities, physical disability, matriculation, political affiliation, source
669 of income, or place of residence or business;

670 “(E) Retaliation against a person for filing a complaint; and

671 “(F) Failure to wear or display required identification or to identify oneself
672 by name and badge number when requested to do so by a member of the public.

673 “(11) If the Metro Transit Police receives a complaint containing subject matter that
674 is covered by paragraph (10) of this subsection, the Metro Transit Police shall transmit the
675 complaint to the Police Complaints Board within 3 business days after receipt.

676 “(12) The Police Complaints Board shall have timely and complete access to
677 information and supporting documentation specifically related to the Police Complaints Board’s
678 duties and authority under paragraphs (9) and (10) of this subsection.

679 “(13) The Police Complaints Board shall have the authority to dismiss, conciliate,
680 mediate, investigate, adjudicate, or refer for further action to the Metro Transit Police a complaint
681 received under paragraph (10) of this subsection.

682 “(14)(A) If deemed appropriate by the Police Complaints Board, and if the parties
683 agree to participate in a conciliation process, the Police Complaints Board may attempt to resolve
684 a complaint by conciliation.

685 “(B) The conciliation of a complaint shall be evidenced by a written
686 agreement signed by the parties which may provide for oral apologies or assurances, written

687 undertakings, or any other terms satisfactory to the parties. No oral or written statements made in
688 conciliation proceedings may be used as a basis for any discipline or recommended discipline
689 against a subject police officer or officers or in any civil or criminal litigation.

690 “(15) If the Police Complaints Board refers the complaint to mediation, the Board
691 shall schedule an initial mediation session with a mediator. The mediation process may continue
692 as long as the mediator believes it may result in the resolution of the complaint. No oral or written
693 statement made during the mediation process may be used as a basis for any discipline or
694 recommended discipline of the subject police officer or officers, nor in any civil or criminal
695 litigation, except as otherwise provided by the rules of the court or the rules of evidence.

696 “(16) If the Police Complaints Board refers a complaint for investigation, the Board
697 shall assign an investigator to investigate the complaint. When the investigator completes the
698 investigation, the investigator shall summarize the results of the investigation in an investigative
699 report which, along with the investigative file, shall be transmitted to the Board, which may order
700 an evidentiary hearing.

701 “(17) The Police Complaints Board may, after an investigation, assign a complaint
702 to a complaint examiner, who shall make written findings of fact regarding all material issues of
703 fact, and shall determine whether the facts found sustain or do not sustain each allegation of
704 misconduct. If the complaint examiner determines that one or more allegations in the complaint is
705 sustained, the Police Complaints Board shall transmit the entire complaint file, including the merits
706 determination of the complaint examiner, to the Metro Transit Police for appropriate action.

707 “(18) Employees of the Metro Transit Police shall cooperate fully with the Police
708 Complaints Board in the investigation and adjudication of a complaint. An employee of the Metro

709 Transit Police shall not retaliate, directly or indirectly, against a person who files a complaint under
710 this subsection.

711 “(19) When, in the determination of the Police Complaints Board, there is reason
712 to believe that the misconduct alleged in a complaint or disclosed by an investigation of a
713 complaint may be criminal in nature, the Police Complaints Board shall refer the matter to the
714 appropriate authorities for possible criminal prosecution, along with a copy of all of the Police
715 Complaints Board’s files relevant to the matter being referred; provided, that the Police
716 Complaints Board shall make a record of each referral, and ascertain and record the disposition of
717 each matter referred and, if the appropriate authorities decline in writing to prosecute, the Police
718 Complaints Board shall resume its processing of the complaint.

719 “(20) Within 60 days before the end of each fiscal year, the Police Complaints
720 Board shall transmit to the Board and the Signatories an annual report of its operations, including
721 any policy recommendations.

722 TITLE II. BUILDING SAFE AND JUST COMMUNITIES

723 SUBTITLE A. RESTORE THE VOTE

724 Sec. 201. The District of Columbia Election Code of 1955, approved August 12, 1955 (69
725 Stat. 669; D.C. Official Code § 1-1001.01 *et seq.*), is amended as follows:

726 (a) Section 2(2) (D.C. Official Code § 1–1001.02(2)) is amended as follows:

727 (1) Subparagraph (C) is amended by striking the semicolon and inserting the phrase
728 “; and” in its place.

729 (2) Subparagraph (D) is repealed.

730 (b) Section 5(a) (D.C. Official Code § 1-1001.05(a)) is amended by adding new paragraphs
731 (9B) and (9C) to read as follows:

732 “(9B) In advance of any applicable voter registration or absentee ballot submission
733 deadlines, provide, to every qualified elector in the Department of Corrections’ care or custody,
734 and, beginning January 1, 2021, endeavor to provide to every qualified elector in the Bureau of
735 Prisons’ care or custody:

736 “(A) A voter registration form;

737 “(B) A voter guide;

738 “(C) Educational materials about the importance of voting and the right of
739 an individual currently incarcerated or with a criminal record to vote in the District; and

740 “(D) Without first requiring an absentee ballot application to be submitted,
741 an absentee ballot;

742 “(9C) Beginning January 1, 2021, upon receiving information pursuant to section
743 7(k)(3), (4), or (4A) from the Superior Court of the District of Columbia, the United States District
744 Court for the District of Columbia, or the Bureau of Prisons, notify a qualified elector incarcerated
745 for a felony of the qualified elector’s right to vote;”.

746 (c) Section 7(k) (D.C. Official Code § 1–1001.07(k)) is amended as follows:

747 (1) Paragraph (1) is amended by striking the phrase “registrant, upon notification
748 of a registrant’s incarceration for a conviction of a felony” and inserting the phrase “registrant,” in
749 its place.

750 (2) A new paragraph (4A) is added to read as follows:

751 “(4A) Beginning on January 1, 2021, at least monthly, the Board shall request from
752 the Bureau of Prisons the name, location of incarceration, and contact information for each
753 qualified elector in the Bureau of Prisons’ care or custody.”.

754 Sec. 202. Section 8 of An Act To create a Department of Corrections in the District of
755 Columbia, effective April 26, 2019 (D.C. Law 22-309; D.C. Official Code § 24-211.08), is
756 amended by adding a new subsection (b-1) to read as follows:

757 “(b-1) Within 10 business days after the effective date of the Comprehensive Policing and
758 Justice Reform Second Emergency Amendment Act of 2020, passed on emergency basis on July
759 7, 2020 (Enrolled version of Bill 23-_____) (“act”), the Department shall notify eligible
760 individuals in its care or custody of their voting rights pursuant to section 201 of the act.”.

761 TITLE III. APPLICABILITY; FISCAL IMPACT STATEMENT; EFFECTIVE DATE

762 Sec. 301. Applicability.

763 (a) Section 110 shall apply as of August 15, 2020.

764 (b) Section 123 shall apply after the enactment of concurring legislation by the State of
765 Maryland and the Commonwealth of Virginia, the signing and execution of the legislation by the
766 Mayor of the District of Columbia and the Governors of Maryland and Virginia, and approval by
767 the United States Congress.

768 Sec. 302. Fiscal impact statement.

769 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
770 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
771 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

772 Sec. 303. Effective date.

773 (a) This act shall take effect following approval by the Mayor (or in the event of veto by
774 the Mayor, action by the Council to override the veto), a 60-day period of congressional review as
775 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24,

776 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of
777 Columbia Register.

778 (b) This act shall expire after 225 days of its having taken effect.